

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:24-MC-00048**

IN RE: REQUEST FOR JUDICIAL
ASSISTANCE FROM THE NATIONAL
COURT OF FIRST INSTANCE IN CIVIL
MATTERS NUMBER 41 IN BUENOS
AIRES, ARGENTINA IN THE *MATTER
OF ELSA GNIECIAK*

DECLARATION OF ASSISTANT UNITED STATES ATTORNEY GILL P. BECK

I, Gill P. Beck, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Western District of North Carolina, counsel for the United States of America. I make this declaration upon information and belief based upon the attached exhibits and communications with personnel in the United States Department of Justice, to which a Letter of Request has been transmitted for execution. I make this declaration in support of the Government's request, pursuant to 28 U.S.C. § 1782(a), for an Order appointing me Commissioner for the purpose of obtaining financial account information from Wells Fargo Bank.

2. In connection with a judicial proceeding in the National Court of First Instance in Civil Matters Number 41 in Buenos Aires, Argentina ("Argentine Court"), captioned *Matter of Elsa Gnieciak*, Foreign Reference Number 753/2022, the Court issued a Letter of Request seeking information from Wells Fargo Bank. True and correct copies of correspondence received from the Department of Justice and the Letter of Request received are attached as Exhibits 1 and 2, respectively.

3. The specific information requested by the Argentine Court is reflected in a subpoena addressed to Wells Fargo Bank, which the United States intends to serve (in substantially

similar format) upon my appointment as Commissioner. A copy of the proposed subpoena is attached as Exhibit 3.

4. In order to assist the Argentine Court in obtaining the requested information, I respectfully request that this Court enter the proposed Order attached to the Application appointing me Commissioner.

No previous Application for the relief sought herein has been made.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted, this 15th day of April, 2024.

DENA J. KING
UNITED STATES ATTORNEY

s/Gill P. Beck
GILL P. BECK
ASSISTANT UNITED STATES ATTORNEY
N.C. State Bar No. 13175
Room 233, U.S. Courthouse
100 Otis Street
Asheville, North Carolina 28801
Phone: (828) 271-4661
Fax: (828) 271-4327
Email: Gill.Beck@usdoj.gov

Exhibit 1

To

Gill Beck

Declaration



KMStanford

U.S. Department of Justice
Civil Division
Office of International Judicial Assistance

*U.S. Central Authority
Benjamin Franklin Station
P.O. Box 14360
Washington, DC 20044
+1 (202) 514-6700
OIIA@usdoj.gov*

December 29, 2023

BY EMAIL

Gill P. Beck
Assistant United States Attorney
United States Attorney's Office
Western District of North Carolina
U.S. Courthouse, Room 233
100 Otis Street
Asheville, NC 28801

Re: Request for International Judicial Assistance from the National Court of First Instance in Civil Matters No. 41 in Caba, Argentina in the Matter of Elsa Gnieciak, Ref No.: 753/2022
DJ Reference Number: 189-44-24-31

Dear Mr. Beck:

The Office of International Judicial Assistance, within the Civil Division, serves as the U.S. Central Authority for the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters ("HCCH 1970 Evidence Convention"). 28 C.F.R. § 0.49. Pursuant to that Convention, we have received the above-captioned Letter of Request seeking evidence in a civil matter pending in Argentina. We are referring this Request to you for handling. See United States Attorney Manual, § 4-1.325. Within fifteen days, please provide us with contact information for the individual assigned to handle this matter.

In its Request, the Argentine Court requested we obtain evidence in the form of documentation from Wells Fargo Bank, whose national subpoena processing office is located in Charlotte, North Carolina. Specifically, the Request seeks information regarding the specified account numbers any accounts held by Elsa Gnieciak. Please proceed directly with the § 1782 process as banks will not release customer information without a subpoena.

Once the court order is granted, the subpoena should be sent to the following address:

Wells Fargo Bank
Subpoena Processing Dept.
P.O. Box 1415
Mail Code: D1111-016
Charlotte, NC 28201

There are instructions and frequently asked questions for the execution of Letters of Request on our website at: <http://dojnet.doj.gov/civil/ofl/index.html>. A list of national subpoena processing offices can be found here: <http://dojnet.doj.gov/civil/ofl/documents/guidance/Financial%20Institution%20Subpoena%20Contacts.pdf>. We urge you to review all of these materials before executing this referral. The records can be compelled by your office pursuant to 28 U.S.C. § 1782. **If your office will incur an expense for which you intend to seek reimbursement from the Requesting Authority, you must inform our office before you incur the expense so we can seek assurance from the Requesting Authority to proceed. Failure to do so may result in the Requesting Authority's refusal to reimburse your office for the expense.**

Article 9 of the HCCH 1970 Evidence Convention requires that requests for evidence be executed "expeditiously." Accordingly, we urge that your office handle this matter as quickly as possible. Given the increasing number of evidence requests that United States litigants send abroad pursuant to the HCCH 1970 Evidence Convention, often with short discovery deadlines, expeditious handling of evidence requests by the United States may, as a matter of reciprocity, encourage similar treatment by foreign authorities. We anticipate this Request can be completed within ninety days. If additional time is needed to complete the Request, please provide us a status report by the ninetieth day and every two weeks thereafter.

After you have executed this Request, please return all documents sent with the Request and any original documents obtained through the execution of this Request to us so that we may return them to the foreign court. We would also appreciate receiving copies of any pleadings or motions that have been filed by your office in this case.

If you have any questions, please contact us at OIIA@usdoj.gov or 202-353-2148.

Thank you in advance for your cooperation and assistance in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Krysta M. Stanford". The signature is fluid and cursive, with the first name "Krysta" being more prominent than the last name "Stanford".

KRYSTA M. STANFORD
Trial Attorney

Enclosures

Exhibit 2

To

Gill Beck

Declaration



República Argentina - Poder Ejecutivo Nacional
1983/2023 - 40 AÑOS DE DEMOCRACIA

Nota

Número: NO-2023-148987012-APN-DAJI#MRE

CIUDAD DE BUENOS AIRES
Jueves 14 de Diciembre de 2023

Referencia: CIVIL - GNIECIAK ELSA S/ SUCESIÓN AB-INTESTATO - CARPE N° 753/2022 - EX-2022-40605936- -APN-DGD#MRE

A: (C.C) Autoridad Central de Estados Unidos (OIJA@usdoj.gov),

Con Copia A:

De mi mayor consideración:

Tengo el agrado de dirigirme a Ud. en mi carácter de Autoridad Central designada en el Convenio de La Haya de 18 de marzo de 1970 sobre la Obtención de Pruebas en el Extranjero en materia Civil y Comercial, con el objeto de remitirle un exhorto librado por el Juzgado Nacional de Primera Instancia en lo Civil N° 41, República Argentina, en los autos caratulados "**Gnieciak Elsa s/ sucesión ab-intestato**", a los fines de su diligenciamiento de estilo por las autoridades judiciales competentes en Estados Unidos.

La rogatoria, librada en los términos del citado Convenio, tiene por objeto solicitar informes al Banco Wells Fargo. sucursal Miami.

Se solicita que una vez diligenciada la misma sea remitida a esta Autoridad Central al correo institucional cooperacion-civil@mrecic.gov.ar a los fines de su posterior devolución al Juzgado exhortante.

Se embebe un archivo. Para poder visualizarlo es necesario descargar la nota, y sobre el margen izquierdo, seleccionar el símbolo de clip, allí se desplegará el archivo embebido. Se sugiere abrir la nota desde el programa Adobe Reader.

Unofficial translation:

Dec 15, 2023

CE 189-44-24-31

I am pleased to address you in my capacity as Central Authority designated in the Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, in order to send a letter rogatory issued by the National Court of First Instance in Civil Matters No 41, Argentine Republic, in the case "Gnieciak Elsa s/ sucesión ab-intestato", for its execution by the competent judicial authorities in USA.

The letter rogatory, issued under said Convention, has the purpose of requesting reports from Wells Fargo Bank , Miami branch office.

Once executed, it is requested that it be sent back to this Central Authority at the institutional email cooperacion-civil@mrecic.gov.ar, for the purpose of its return to the exhorting Court.

An embedded file is submitted. In order to view it, it is necessary to download the note, and on the left margin, select the clip symbol, the embedded file will be displayed there. It is suggested to open the note from the Adobe Reader program.

Yours sincerely,
PWG

Sin otro particular saluda atte.

Digitally signed by GESTION DOCUMENTAL ELECTRONICA - GDE
Date: 2023.12.14 16:54:18 -03:00

Aldana Rohr
Directora
Dirección de Asistencia Jurídica Internacional
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto

Digitally signed by GESTION DOCUMENTAL
ELECTRONICA - GDE
Date: 2023.12.14 16:54:19 -03:00

TRADUCCIÓN PÚBLICA / SWORN TRANSLATION. -----

[At the top of pages 1 and 3 of the above letter rogatory there appears the coat-of-arms of the Argentine Republic]. -----

National Judiciary. National Court in Civil Matters No. 41. -----

[On the right margin there appears a seal that reads:] National Court of First Instance in Civil Matters. Court No. 41 of the Federal Capital. -----

| EXTENSION OF AN INTERNATIONAL LETTER ROGATORY | | | |
|--|--|--------------------------|--------------------|
| I) TREATY ON WHICH THE REQUEST IS BASED | | | |
| The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (The Hague Evidence Convention, 1970) | | | |
| II) REQUESTING JUDICIAL AUTHORITY | | | |
| Name: Marcos Galmarini | | Title: Judge | |
| Judicial authority: | National Court of First Instance in Civil Matters No. 41 | | |
| Contact data | Telephone number: | 4370-6825 | |
| | Email address: | jncivil41@pjn.gov.ar | |
| Mailing address: | Street: | Uruguay 714, first floor | |
| | City or town: | CABA | Zip code: C1015ABP |
| | Country: | Argentine Republic | |
| III) REQUESTED JUDICIAL AUTHORITY | | | |
| Duty Judge with jurisdiction in: | | Civil matters | |
| In: | The United States of America | | |
| IV) INFORMATION ABOUT THE COURT PROCEEDING: | | | |
| 1) Title of the case: "GNIECIAK, ELSA ON INTESTATE SUCCESSION" | | | |
| 2) Court file number: 81321/2019 | | | |

| |
|---|
| <p>3) Name and address of the parties:</p> <p>a) GERÓNIMO CONSTANTINO WASZNIEWSKI, domiciled at [REDACTED] [REDACTED] Lomas de Zamora district, province of Buenos Aires, Argentine Republic.</p> <p>b) GLADYS EVA WASZNIEWSKI, domiciled at [REDACTED] Autonomous City of Buenos Aires, Argentine Republic.</p> <p>c) EDUARD JOHN GNIECIAK, domiciled at [REDACTED] Lanús district, province of Buenos Aires, Argentine Republic.</p> <p>d) DELIA GNIECIAK, domiciled at [REDACTED] Miami, Florida, United States of America.</p> |
| <p>4) Nature and object of the proceeding:</p> <p>Civil proceeding: Intestate succession</p> |
| <p>5) Brief description of the facts of the case:</p> <p>The estate of the deceased in the instant case -Mrs. Elsa Gnieciak (holder of ID No. [REDACTED]), included among other assets, the funds held at Wells Fargo Bank, Miami branch office, FL33131, located at 200 Biscayne Blvd, 14th and 15th floors, United States of America.</p> |
| <p>V) OBJECT OF THE LETTER ROGATORY</p> |
| <p>1) Requested measure/s:</p> <p>It is hereby requested that any and all such steps and procedures as may be necessary to determine the existence of the bank accounts held by Mrs. Elsa Gnieciak (holder of ID No. [REDACTED]) at Wells Fargo Bank, Miami branch office, FL33131, and the funds held in such accounts, be ordered and taken.</p> <p>This letter rogatory is an extension of the previous letter rogatory issued under No. 753/22 replied by the Requested Party on June 17, 2022. In connection with such reply, the following information is provided: the deceased, Mrs. Elsa Gnieciak, was Argentinian, holder of Argentinian ID and passport No. [REDACTED], and resided at [REDACTED] Autonomous City of Buenos Aires. She was a widow of her husband in first marriage Manuel Gens Lorenzo and died on September 5, 2019, in the Autonomous City of Buenos Aires. Mrs. Elsa Gnieciak held an account at Wells Fargo Bank, Miami branch office, FL33131, located at 200 Biscayne Blvd, 14th and 15th floors, United States of America, identified with Swift Code: wfbus6s. Beneficiary No. [REDACTED] 7321.</p> |

| | | | |
|--|-------------------|------------|----------------------|
| 2) Name and address of the addressee of the measure/s: | | | |
| Wells Fargo Bank, Miami branch office, located at 200 Biscayne Blvd, 14 th and 15 th floors, FL33131, Miami, United States of America. | | | |
| 3) Special forms or procedures: | | | |
| Not applicable. | | | |
| 4) Term available to the addressee/s of the measure/s: | | | |
| Not applicable. | | | |
| 5) Hearing date: | | | |
| Not applicable. | | | |
| 6) Further information facilitating compliance with this letter rogatory: | | | |
| Not applicable. | | | |
| 7) Name and address of the Requesting Party's attorney-in-fact in the Requested State: | | | |
| Not applicable. | | | |
| Full name: | [in blank] | | |
| Contact data | Telephone number: | [in blank] | |
| | Email address: | [in blank] | |
| Mailing address: | Street: | [in blank] | |
| | City or town: | [in blank] | Zip code: [in blank] |
| | Country: | [in blank] | |
| 8) Name and address of the person in the Requested State who will bear any extraordinary expenses that may be incurred in to comply with the measure: | | | |
| Not applicable. | | | |
| Full name: | [in blank] | | |
| Contact data | Telephone number: | [in blank] | |
| | Email address: | [in blank] | |
| Mailing address: | Street: | [in blank] | |
| | City or town: | [in blank] | Zip code: [in blank] |
| | Country: | [in blank] | |

| | |
|--|---|
| VI) TRANSCRIPTION OF THE RESOLUTION ORDERING THE LETTER ROGATORY: | |
| <p>"Buenos Aires, on this seventeenth day of August, 2023 [...]. II. An extension of the previous letter rogatory addressed to the United States of America be issued, providing the following information missing in said letter rogatory: the deceased, Mrs. Elsa Gnieciak, was Argentinian, holder of Argentinian ID and passport No. [REDACTED], and resided at [REDACTED] Autonomous City of Buenos Aires, Argentine Republic. She was a widow of her husband in first marriage Manuel Gens Lorenzo, and died on September 5, 2019, in the Autonomous City of Buenos Aires. Mrs. Elsa Gnieciak held an account at Wells Fargo Bank, Miami branch office, FL33131, located at 200 Bicayne Blvd, 14th and 15th floors, United States of America, identified with Swift Code: wfbus6s, Beneficiary No. [REDACTED] 7321. Signed by: MARCOS GALMARINI, JUDGE."</p> | |
| VII) LIST OF DOCUMENTS ATTACHED HERETO: Not applicable | |
| 1: [There appears a blank space]. | |
| 2: [There appears a blank space]. | |
| 3: [There appears a blank space]. | |
| 4: [There appears a blank space]. | |
| 5: [There appears a blank space]. | |
| VIII) RECIPROCITY OFFER | |
| The undersigned Judge requests and urges prompt compliance herewith, offering reciprocity in similar cases. | |
| Place and date: [in blank] | Signature and seal of judicial authority: |

[Below, on the right there appears a signature and a seal that reads:] Marcos Galmarini. Judge. [Below there appears a seal that reads:] National Court of First Instance in Civil Matters. Court No. 41 of the Federal Capital. [Overlapping this seal there appears a bar code which also appears at the bottom of pages 1 and 2 of the above document]. -----

I declare the foregoing to be a true and accurate translation into English of the digitized document in Spanish attached hereto. Digitally signed in the Autonomous City of Buenos Aires, on this tenth day of September, 2023. -----

[The following translator's note in Spanish is included only for certification purposes by the Sworn Translators' Association of the City of Buenos Aires]. -----

Lo que antecede es traducción fiel al inglés del documento digitalizado adjunto redactado en español, al que me remito a todos los efectos. Firmada digitalmente en la Ciudad Autónoma de Buenos Aires, a los diez días del mes de septiembre de dos mil veintitrés. -----

FALCHUK
Silvia Beatriz

Firmado
digitalmente
por FALCHUK
Silvia Beatriz
Fecha:
2023.09.12
16:35:18 -03'00'



Poder Judicial de la Nación

JUZGADO CIVIL 41



**EXHORTO
INTERNACIONAL**
AMPLIATORIO Y REITERATORIO

I. Tratado en que se funda la solicitud

Convención sobre la Obtención de Pruebas en el Extranjero en Materia Civil o Comercial (La Haya, 1970)

II. AUTORIDAD JURISDICCIONAL EXHORTANTE

| | |
|--------------------------|--|
| NOMBRE | CARGO |
| Marcos Galmarini | Juez |
| DEPENDENCIA: | Juzgado Nacional de 1º Instancia en lo Civil Nº 41 |
| Datos de contacto | Teléfono: 4370-6825 Correo electrónico: jncivil41@pjn.gov.ar |
| Dirección postal: | Calle: Uruguay 714, 1º piso Ciudad: CABA Cod Pos: C1015ABP País: República Argentina |

III. Autoridad jurisdiccional exhortada

Sr Juez en turno con competencia en materia: Civil

En ESTADOS UNIDOS DE AMERICA

IV. Identificación del proceso

1) Carátula: "GНИЕCIAK, ELSA S/SUCESION AB-INTESTATO"

2) Número de expediente: 81321/2019

3) Nombre y domicilio de las partes:

a) GERÓNIMO CONSTANTINO WASZNIEWSKI, con domicilio en [REDACTED] Partido de Lomas de Zamora, Provincia de Buenos Aires, República Argentina.

b) GLADYS EVA WASZNIEWSKI, con domicilio en [REDACTED] Ciudad Autónoma de Buenos Aires, República Argentina.

c) EDUARD JOHN GНИЕCIAK, con domicilio en [REDACTED] Pdo. de Lanús, Provincia de Buenos Aires, República Argentina.

d) DELIA GНИЕCIAK con domicilio en [REDACTED] Miami, Florida, Estado Unidos de América.

4) Naturaleza y objeto del proceso:

Civil. Sucesión ab-intestato



#34252406#381282845#20230828125956147

IF-2023-117834574-APN-DAJI#MRE

| |
|---|
| 5) Breve descripción de los hechos: |
| El patrimonio de la causante de autos, Elsa Gnieciak (Documento Nacional de Identidad [REDACTED]), estaba compuesto, entre otros, por fondos en el Banco Wells Fargo, sucursal Miami, FL33131, domiciliada en 200 Bicayne Blvd, pisos 14 y 15, Estado Unidos de América. |
| Y el Oficial del Exhorto |
| 1) Medida/s solicitada/s: |
| Se dispongan las diligencias que se estimen necesarias para determinar la existencia de cuentas bancarias que posea la Sra. Elsa Gnieciak (Documento Nacional de Identidad [REDACTED]) en el Banco Wells Fargo, sucursal Miami, FL33131, y los fondos que existían en tales cuentas bancarias. |
| El presente es exhorto ampliatorio y reiteratorio del ya librado con n° de referencia 753/22 que recibiera respuesta del exhortado con fecha 17 de junio de 2022. En razón de dicha respuesta se hace saber los siguientes datos: La causante, Sra. Elsa Gnieciak, era argentina, con DNI y pasaporte de su país nro. [REDACTED], y se encontraba domiciliada en la Argentina en [REDACTED] de la Ciudad Autónoma de Buenos Aires, viuda en primeras nupcias de Manuel Gens Lorenzo, y fallecida el 5 de septiembre de 2019 en esta Ciudad Autónoma de Buenos Aires. La Sra. Elsa Gnieciak poseía una cuenta en el Banco Wells Fargo, sucursal Miami, FL33131, domiciliada en 200 Bicayne Blvd, pisos 14 y 15, Estados Unidos, identificada con Cod.Swift: wfbius6s, Beneficiaria [REDACTED] 7321 |
| 2) Nombre y domicilio de destinatario/s de la/s medidas: |
| Banco Wells Fargo, sucursal Miami, sito en 200 Bicayne Blvd, pisos 14 y, FL33131, Miami, Estados Unidos de América. |
| 3) Formas o procedimiento especiales: |
| No aplicable |
| 4) Plazo del que dispone/n el/los destinatario/s de la medida: |
| No aplicable |
| 5) Fecha de celebración de audiencia: |
| No aplicable |
| 6) Otra información que facilite el cumplimiento del exhorto: |
| No aplicable |

| | |
|---|---------------------|
| 7) Nombre y domicilio del apoderado de la parte requirente en el Estado requerido: No aplicable | |
| Apellido y Nombres: | |
| Datos de contacto | Teléfono: |
| | Correo electrónico: |
| | Calle: |
| Dirección postal: | Ciudad: Cod Pos: |



#34252406#381282845#2C230628125956147

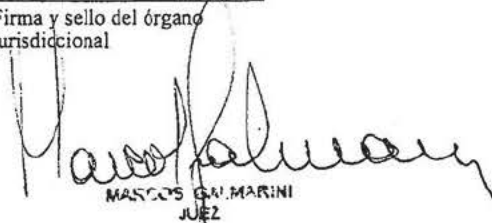
IF-2023-117834574-APN-DAJI#MRE



Poder Judicial de la Nación

JUZGADO CIVIL 41

| | |
|---|---|
| País: | |
| 8) Nombre y domicilio de la persona en el Estado requerido que se hará cargo de los gastos extraordinarios que demande el cumplimiento de la medida: No aplicable | |
| Apellido y Nombres: | |
| Datos de contacto | Teléfono: Correo electrónico: |
| Dirección postal: | Calle: Ciudad: Cod Pos: País: |
| VI) Transcripción de la resolución que ordena el exhorto | |
| <p>"Buenos Aires, 17 de agosto de 2023... II. Librese exhorto ampliatorio y reiteratorio del ya librado a los los Estados Unidos de Norte América, haciéndose saber los siguientes datos omitidos: La causante, Sra. Elsa Gnieciak, era argentina, con DNI y pasaporte de su país rro. [REDACTED], y se encontraba domiciliada en la Argentina en [REDACTED] de la Ciudad Autónoma de Buenos Aires, viuda en primeras nupcias de Manuel Gens Lorenzo, y fallecida el 5 de septiembre de 2019 en esta Ciudad Autónoma de Buenos Aires. La Sra. Elsa Gnieciak poseía una cuenta en el Banco Wells Fargo, sucursal Miami, FL33131, domiciliada en 200 Bicayne Blvd, pisos 14 y 15, Estados Unidos, identificada con Cod.Swift: wfbus6s, Beneficiaria [REDACTED] 7321. Firmado.: MARCOS GALMARINI, JUEZ".</p> | |
| VII) Enumeración de documentos admitidos: No aplicable | |
| 1: | |
| 2: | |
| 3: | |
| 4: | |
| 5: | |
| VIII) Ofertinas de reciprocidad | |
| <p>El magistrado infrascripto ruega y exhorta se dé al presente pronto y fiel cumplimiento, ofreciendo reciprocidad para casos análogos.</p> | |
| LUGAR Y FECHA | Firma y sello del órgano jurisdiccional |


MARCOS GALMARINI
JUEZ



IF-2023-117834574-APN-DAJI#MRE



COLEGIO DE TRADUCTORES PÚBLICOS DE LA CIUDAD DE BUENOS AIRES

República Argentina
Ley 20305

LEGALIZACIÓN

El COLEGIO DE TRADUCTORES PÚBLICOS DE LA CIUDAD DE BUENOS AIRES, en virtud de la facultad que le confiere el artículo 10 inc. d) de la Ley 20305, certifica que el/la Traductor/a Público/a **FALCHUK, SILVIA BEATRIZ**

cuya firma digital consta en la traducción pública adjunta, se encuentra matriculado/a en esta institución en el idioma **INGLÉS [TOMO 9 - FOLIO 461]**

Asimismo, se deja constancia de que el/la profesional está habilitado/a por esta institución para firmar documentos en su calidad de Traductor/a Público/a.

Firmado digitalmente por: **MORGUNOVSKY MICHELL, JACOBO ARIEL**

Identificador de legalización: **169454796411251517606500bffc6de0f**

Ciudad Autónoma de Buenos Aires, **13/09/2023**



Departamento de Legalizaciones
Firma de Traductor Legalizada

Firmado digitalmente
por **MORGUNOVSKY
MICHELL Jacobo
Ariel**
Fecha: **2023.09.13
11:12:47 -03'00'**

Legalización firmada digitalmente conforme a la Ley 25506,
a la Ley 2751 y sus reglamentaciones complementarias.

ESTA LEGALIZACIÓN NO IMPLICA JUICIO ALGUNO SOBRE EL CONTENIDO DE LA TRADUCCIÓN PÚBLICA Y SERÁ VÁLIDA ÚNICAMENTE SI ESTÁ FIRMADA DIGITALMENTE POR LA PERSONA DEBIDAMENTE AUTORIZADA POR EL CTPCBA.

Para verificar documentos digitales, ingrese a:

<https://firmar.gob.ar/validar.html>

Para saber cómo visualizar la totalidad de los documentos embebidos en este archivo .pdf, ingrese a:

<https://www.traductores.org.ar/matriculados/firma-digital/>

Para verificar la validez de esta legalización, ingrese a:

<https://www.traductores.org.ar/publico/como-verifico-una-legalizacion-digital/>

Avda. Corrientes 1834 - C1045AAN - Ciudad Autónoma de Buenos Aires - Tel.: 4373-7173 y líneas rotativas.

IF-2023-117834574-APN-ESTADANTZICAS
ABOGADO
CALZ. P IX - Fº 102
C.P.A.C. - Fº 23



Colegio de Traductores Públicos
de la Ciudad de Buenos Aires

By virtue of the authority vested in the COLEGIO DE TRADUCTORES PÚBLICOS DE LA CIUDAD DE BUENOS AIRES (CTPCBA) (Buenos Aires Sworn Translators Association), by Argentine law No. 20305 section 10(d), I hereby CERTIFY that the Certified Translator whose digital signature is affixed on the document attached hereto is registered with this Association. This certification does not imply any opinion on the contents of the translation and will be valid only if digitally signed by the duly authorized signatory of the CTPCBA.

Vu par le COLEGIO DE TRADUCTORES PÚBLICOS DE LA CIUDAD DE BUENOS AIRES (CTPCBA) (Ordre des Traducteurs Officiels de la ville de Buenos Aires), en vertu des attributions qui lui ont été accordées par l'article 10, alinéa d) de la Loi n° 20305, CERTIFIE que le Traducteur/Traductrice Officiel/le, dont la signature numérique est apposée sur le document ci-joint, est inscrit/e à cette Institution. Cette légalisation n'implique aucun avis sur le contenu de la traduction et ne sera pas valable sans la signature numérique du fonctionnaire habilité par le CTPCBA.

Il COLEGIO DE TRADUCTORES PÚBLICOS DE LA CIUDAD DE BUENOS AIRES (CTPCBA) (Ordine dei Traduttori abilitati della Città di Buenos Aires), in virtù delle facoltà conferite dall'articolo 10, lettera d) della legge 20.305, CERTIFICA che la Traduttrice Giurata/il Traduttore Giurato, la cui firma digitale si riporta sul documento allegato, è registrata/o presso questo Ente. Questa legalizzazione non prevede alcun giudizio sul contenuto della traduzione e non sarà valida senza la relativa firma digitale del funzionario autorizzato dal CTPCBA.

Por meio desta legalização, o COLEGIO DE TRADUCTORES PÚBLICOS DE LA CIUDAD DE BUENOS AIRES (CTPCBA) (Colégio dos Tradutores Públicos da Cidade de Buenos Aires), no uso de suas atribuições e em conformidade com o artigo 10, alínea "d", da Lei 20.305, CERTIFICA que a Tradutora Pública/o Tradutor Público cuja assinatura digital consta no documento anexo, está inscrita/o nesta instituição. Este reconhecimento não diz respeito ao conteúdo da tradução e não será válido sem a assinatura digital correspondente ao funcionário habilitado pelo CTPCBA.

COLEGIO DE TRADUCTORES PUBLICOS DE LA CIUDAD DE BUENOS AIRES (CTPCBA) (Kammer der vereidigten Übersetzerinnen und Übersetzer der Stadt Buenos Aires). Kraft der Befugnisse, die ihr gem. Art. 10 Abs. d) des Gesetzes Nr. 20.305 zustehen, bescheinigt diese Kammer hiermit lediglich, dass die vereidigte Übersetzerin bzw. der vereidigte Übersetzer, deren/dessen digitale Signatur auf vorstehend beigefügter Urkunde gesetzt ist, dieser Berufskammer angehört. Diese Beglaubigung bezieht sich nicht auf den Inhalt der Übersetzung und ist nur mit der entsprechenden digitalen Signatur der bzw. des von der CTPCBA ermächtigten Bestätigungsbefugten gültig.

Avda. Corrientes 1834 – C1045AAN – Ciudad Autónoma de Buenos Aires – Tel.: 4373-7775 y líneas telefónicas

IE-2023-117824574-APN-DAI#MRE

Exhibit 3

To

Gill Beck

Declaration

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

IN RE: REQUEST FOR JUDICIAL
ASSISTANCE FROM THE NATIONAL
COURT OF FIRST INSTANCE IN CIVIL
MATTERS NUMBER 41 IN BUENOS
AIRES, ARGENTINA IN THE MATTER
OF ELSA GNIECIAK

Case No. _____

COMMISSIONER'S SUBPOENA

To: Wells Fargo Bank
Subpoena Processing Dept.
P.O. Box 1415
Mail Code: D1111-016
Charlotte, North Carolina 28201

I, Gill P. Beck, an Assistant United States Attorney for the Western District of North Carolina, acting under the authority of Title 28, United States Code, Section 1782, for the purpose of rendering assistance to Argentina, command that you provide to me evidence for use in a civil lawsuit in the National Court of First Instance in Civil Matters Number 41 in Buenos Aires, Argentina, entitled *Matter of Elsa Gnieciak*, Foreign Reference Number 753/2022, said evidence being:

Please (i) confirm the existence of the below identified account, as well as any other accounts that may exist there held by the listed beneficiary with Wells Fargo Bank, Miami branch office, and (ii) provide a statement of the funds held in such accounts.

//FW121000248 WELLS FARGO BANK NA (Miami, FL)
FL33131, Swift Code: WFBIUS6S

Account No. [REDACTED]

Beneficiary: Mrs. Elsa Gnieciak

ID No. [REDACTED]

Address: [REDACTED]
Autonomous City of Buenos Aires (CABA), Argentine
Republic

If you cannot produce a requested document (including, *inter alia*, because the document has been lost or destroyed), please provide the facts you rely upon in support of your contention that you cannot do so. To the extent a document is not produced because of an assertion of privilege, please state the specific privilege relied upon. If you object to producing only part of a requested document, please produce that portion of the document you do not object to producing and indicate what portion you have withheld based on an assertion of privilege.

Please produce the evidence by email to me at Gill.Beck@usdoj.gov or by mail at the address set forth below no later than _____ (date).

Gill Beck
Assistant United States Attorney
U.S. Courthouse, Room 233
100 Otis Street
Asheville, North Carolina 28801

Please note that if you anticipate any charges for these records, please contact me prior to mailing so that we can confirm the charges and the availability of funds. *See* Exception to the Right to Financial Privacy Act for International Judicial Assistance Requests Memorandum (enclosed).

For failure to provide said evidence, you may be deemed guilty of contempt and liable to penalties under the law. The recipient of the attached subpoena may, for good cause shown, oppose the giving of evidence, or the circumstances thereof, by motion timely filed with the Court.

Dated this _____ day of _____, 2024.

Gill P. Beck, Commissioner
Assistant United States Attorney
North Carolina State Bar No. 13175
United States Attorney's Office
Western District of North Carolina
U.S. Courthouse, Room 233
100 Otis Street
Asheville, North Carolina 28801
Tel: (828) 259-0645
Fax: (828) 271-4327
Gill.Beck@usdoj.gov

**Re: Exception to the Right to Financial Privacy Act for International
Judicial Assistance Requests**

Dear Records Department:

The Right to Financial Privacy Act (RFPA) does not prevent the execution of international judicial assistance requests for bank records in civil and commercial matters as **the exception outlined in 12 U.S.C. § 3413(d) applies** to such requests. The exception provides in relevant part:

(d) Disclosure pursuant to Federal statute or rule promulgated thereunder: Nothing in this chapter shall authorize the withholding of financial records or information ***required to be reported in accordance with any Federal statute*** or rule promulgated thereunder.

12 U.S.C. § 3413(d) (emphasis added).

The statute which requires the production of these records is 28 U.S.C. § 1782(a). The statute allows district courts to compel the production of evidence from domestic persons or entities in support of foreign litigation. The order may be made pursuant to a request from a foreign or international tribunal and may direct that the documents be produced before a person appointed by the court (such an Assistant United States Attorney).

Courts have adjudicated that international judicial assistance requests made pursuant to § 1782 fall under the exception provided in § 3413(d) because “. . . § 1782 is a federal statute which required that [the bank] disclose the requested financial information.” *Young v. Chemical Bank, N.A.*, 1988 WL 130929, at *5 (S.D.N.Y. 1988). *See also Young v. U.S. Dept. of Justice*, 882 F.2d 633, 639 (2d Cir. 1989); *In re Letter of Request for Judicial Assistance from the Tribunal Civil de Port-Au-Prince, Republic of Haiti*, 669 F. Supp. 403, 407 (S.D. Fla. 1987), *In re Letters of Request from the Supreme Court of Hong Kong*, 821 F. Supp. 204, 211 (S.D.N.Y. 1993).

As the enclosed Commissioner’s Subpoena was issued pursuant to § 1782, and Courts have held that requests made pursuant to § 1782 fall under the RFPA exception in § 3413(d), the RFPA does not prevent the execution of this request. Additionally, as the RFPA does not apply, banks cannot rely on the RFPA reimbursement provision as a basis for payment by the United States to a custodian who produces records in response to a foreign request. *See also Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 358 (1978) (citing to Fed. R. Civ Pro. 26 (c)) (holding “responding party must bear the expense of complying with discovery requests,” though the responding party may ask the court to exercise discretion to find requests unduly burdensome) (superseded on other grounds with 2015 amendments to the Federal Rules of Civil Procedure).